

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of
DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

vs.

KIEWIT PACIFIC COMPANY,

Respondent.

CASE NO. OSAB 2002-23
OSHCO ID Y6207
INSPECTION NO. 304218092

ORDER NO. 1

ORDER CONSOLIDATING CASES
FOR HEARING; AND PRETRIAL
ORDER

In the Matter of
DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

vs.

A-1 A-ELECTRICIAN, INC.,

Respondent.

CASE NO. OSAB 2002-24
OSHCO ID Y6207
INSPECTION NO. 304218118

In the Matter of
DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

vs.

ENGINEERING PROFESSIONAL
SERVICES, INC.,

Respondent.

CASE NO. OSAB 2002-25
OSHCO ID Y6207
INSPECTION NO. 304218126

In the Matter of —
DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

vs.

RANCHO SANTA FE TECHNOLOGY-MCS,
INC.,

Respondent.

CASE NO. OSAB 2002-26
OSHCO ID Y6207
INSPECTION NO. 304218084

In the Matter of

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

vs.

ALAKA'I MECHANICAL CORPORATION,

Respondent.

CASE NO. OSAB 2002-27
OSHCO ID Y6207
INSPECTION NO. 304218134

In the Matter of

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

vs.

A. O. REED AND COMPANY,

Respondent.

CASE NO. OSAB 2002-28
OSHCO ID Y6207
INSPECTION NO. 304218100

ORDER CONSOLIDATING CASES FOR HEARING; AND PRETRIAL ORDER

The Hawaii Labor Relations Board (Board) conducted initial conferences in the instant cases on July 9, 2002, where counsel for the respective parties appeared and agreed to consolidate the cases for the purpose of hearing. Pursuant to Hawaii Administrative Rules (HAR) § 12-42-8(g)(13), the Board consolidates the instant cases for the purposes of hearing because the proceedings arise from the same underlying incident and inspection.

Pursuant to the initial conference in the consolidated cases held on July 9, 2002, IT IS HEREBY ORDERED THAT:

1. The issues to be determined are:
 - (a) Whether Respondent KIEWIT PACIFIC COMPANY violated the standard in HAR § 12-202-31.1, as described in Citation 1, Item 1.
 - (1) If so, is the characterization of the violations as “Serious” appropriate? If not, what is the appropriate characterization?
 - (2) If so, was the imposition of the amount of the proposed \$875.00 penalty appropriate?
 - (b) Whether Respondent A-1 A-LECTRICIAN, INC. violated the standard in HAR § 12-202-31.1, as described in Citation 1, Item 1.
 - (1) If so, is the characterization of the violations as “Serious” appropriate? If not, what is the appropriate characterization?
 - (2) If so, was the imposition of the amount of the proposed \$875.00 penalty appropriate?
 - (c) Whether Respondent ENGINEERING PROFESSIONAL SERVICES, INC. violated the standard in HAR § 12-202-31.1, as described in Citation 1, Item 1.
 - (1) If so, is the characterization of the violations as “Serious” appropriate? If not, what is the appropriate characterization?
 - (2) If so, was the imposition of the amount of the proposed \$875.00 penalty appropriate?
 - (d) Whether Respondent RANCHO SANTA FE TECHNOLOGY-MCS, INC. violated the standard in HAR § 12-202-31.1, as described in Citation 1, Item 1.
 - (1) If so, is the characterization of the violations as “Serious” appropriate? If not, what is the appropriate characterization?
 - (2) If so, was the imposition of the amount of the proposed \$875.00 penalty appropriate?

(e)– Whether Respondent ALAKA'I MECHANICAL CORPORATION violated the standard in HAR § 12-202-31.1, as described in Citation 1, Item 1.

(1) If so, is the characterization of the violations as “Serious” appropriate? If not, what is the appropriate characterization?

(2) If so, was the imposition of the amount of the proposed \$1,625.00 penalty appropriate?

(f) Whether Respondent A. O. REED AND COMPANY violated the standard in HAR § 12-202-31.1, as described in Citation 1, Item 1.

(1) If so, is the characterization of the violations as “Serious” appropriate? If not, what is the appropriate characterization?

(2) If so, was the imposition of the amount of the proposed \$1,875.00 penalty appropriate?

2. Trial is scheduled on October 2, 2002 commencing at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii. The trial may continue from day-to-day until completed.

3. Discovery deadlines are:

Designation of live and unnamed
witnesses; identification of
expert; and exchange of expert
witness' reports

August 9, 2002

Discovery cut-off

September 9, 2002

4. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, July 10, 2002

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair

DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS v. KIEWIT
PACIFIC COMPANY
CASE NO. OSAB 2002-23
DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS v. A-1
A-ELECTRICIAN, INC.
CASE NO. OSAB 2002-24
DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS v. ENGINEERING
PROFESSIONAL SERVICES, INC.
CASE NO. OSAB 2002-25
DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS v. RANCHO
SANTA FE TECHNOLOGY-MCS, INC.
CASE NO. OSAB 2002-26
DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS v. ALAKA'I
MECHANICAL CORPORATION
CASE NO. OSAB 2002-27
DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS v. A. O. REED
AND COMPANY
CASE NO. OSAB 2002-28
ORDER CONSOLIDATING CASES FOR HEARING; AND PRETRIAL ORDER


CHESTER C. KUNITAKE, Member


KATHLEEN RACUYA-MARKRICH, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees at least five working days prior to the trial date.

Copies sent to:

Herbert B.K. Lau, Deputy Attorney General
Brian G.S. Choy, Esq.